

84072 PERSONAL RIGHTS**84072**

- (a) Each facility licensed to provide foster care for six or more children shall post a listing of a foster child's rights.
- (b) Each facility shall provide each school age child, who is placed in foster care, and his or her authorized representative with an age and developmentally appropriate orientation that includes an explanation of the rights of the child and addresses the child's questions and concerns.
- (c) At admission, each child, and his/her authorized representative, shall be personally advised of and given a copy of the child's rights as specified below:
 - (1) To visit the facility with his/her relatives and/or authorized representative(s) prior to admission.
 - (2) To file a complaint with the facility, as specified in Section 84072.2.
 - (3) To have the facility inform his/her authorized representative(s) of his/her progress at the facility.
 - (4) To have communications to the facility from his/her relatives and/or authorized representative(s) answered promptly and completely.
 - (5) To have visitors visit privately during waking hours without prior notice, provided that such visitations are not prohibited by the child's needs and services plan; do not infringe upon the rights of other children; do not disrupt planned activities; and are not prohibited by court order or by the child's authorized representative(s).
 - (A) Rules regarding visitation hours, sign-in rules and visiting rooms can be established but shall apply to all visitors.
 - (B) Visits by the child's brothers and sisters can only be prohibited by court order.
 - (6) To wear his/her own clothes.
 - (7) To possess and use his/her own toilet articles.
 - (8) To possess and use his/her own cash resources except as specified in Section 84026, and to maintain an emancipation bank account and manage personal income consistent with the child's age and developmental level, unless prohibited by the case plan.
 - (9) To possess and use his/her own personal items unless prohibited as part of a discipline program.

84072 PERSONAL RIGHTS (Continued)**84072**

- (10) To have access to individual storage space for his/her private use.
- (11) To make and receive confidential telephone calls, unless prohibited by court order.
 - (A) Reasonable restrictions to telephone use may be imposed by the licensee. The licensee shall be permitted to:
 - 1. Restrict the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received;
 - 2. Restrict phone use in accordance with the facility's discipline program;
 - 3. Impose restrictions to ensure that phone use does not infringe on the rights of others or restrict the availability of the phone during emergencies.
 - (B) All restrictions shall be documented in the child's needs and services plan or the facility's discipline policies, and be signed by the child's authorized representative.
 - (C) Calls permitted to be restricted by subsections (A)1. and 2. above shall not include calls to the child's authorized representative, placement agency, family members (except by court order), social workers, attorneys, Court Appointed Special Advocates (CASA), probation officers, Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson.
- (12) To send and receive unopened correspondence unless prohibited by court order.
- (13) To be accorded dignity in his or her personal relationships with staff and other persons.
- (14) To live in a safe, healthy, and comfortable home where he or she is treated with respect.
- (15) To be free from physical, sexual, emotional, or other abuse, and corporal punishment.
- (16) To receive adequate and healthy food, adequate clothing, and an allowance.
- (17) To receive medical, dental, vision, and mental health services.
- (18) To be free of the administration of medication or chemical substances, unless authorized by a physician.

84072 PERSONAL RIGHTS (Continued)**84072**

- (19) To contact family members (including brothers and sisters), unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (20) To contact the Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.
- (21) To be informed, and to have his/her authorized representative, if any, informed, by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency, and of information regarding confidentiality.
- (22) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis.
- (23) To not be locked in any room, building, or facility premises at any time.
 - (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility.
 - (B) The license shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only provided the clients are able to exit the facility and with the prior approval of the licensing agency.
- (24) To attend school and participate in extracurricular, cultural, and personal enrichment activities consistent with the child's age and developmental level.
- (25) To work and develop job skills at an age-appropriate level that is consistent with state law.
- (26) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends.
- (27) To attend Independent Living Program classes and activities if he or she meets age requirements.
- (28) To attend hearings and speak to the judge.

84072 PERSONAL RIGHTS (Continued)**84072**

- (29) To review his or her own case plan if he or she is over 12 years of age and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
- (30) To be free of unreasonable searches of personal belongings.
- (31) To confidentiality of all juvenile court records consistent with existing law.
- (32) Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below.
 - (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc.
 - 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports.
 - (B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request.
 - (C) Approved postural supports shall be fastened or tied in a manner which permits quick release by the child.
 - (D) The licensing agency shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 80020(a) or (b), has been secured.
 - (E) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.
 - (F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a child's hands or feet.
 - 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.

84072 PERSONAL RIGHTS (Continued)**84072**

- (G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.
1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.
 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.
- (H) Under no circumstances shall postural supports or protective devices be used for disciplinary purposes.
- (d) Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.91, and 1531, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.

84072.1 DISCIPLINE POLICIES AND PROCEDURES**84072.1**

- (a) The licensee shall develop, maintain and implement written facility discipline policies and procedures meeting the requirements specified in (b) and (c) below.
 - (1) Staff, children, and authorized representatives shall receive copies of such policies and procedures, as specified in Section 84065(o) and 84068.1(b)(4)(B).
 - (2) Signed copies of such policies and procedures shall be maintained in the child's record, as specified in Section 84070(c)(2).
- (b) Any form of discipline which violates a child's personal rights as specified in Sections 80072 and 84072 shall be prohibited.
- (c) Acceptable forms of discipline shall include the following:
 - (1) Exclusion in an unlocked living, sleeping, or play area.
 - (2) Institution of fines as specified in Section 84026(b).
 - (3) Prohibition against attendance at or participation in planned activities.
 - (4) Prohibition against use of entertainment devices including but not limited to telephones, televisions, radios and phonographs.

84072.1 DISCIPLINE POLICIES AND PROCEDURES
(Continued)**84072.1**

- (5) Performance of additional duties related to training needs identified in the child's needs and services plan.
- (6) Any other form of discipline approved in writing, in advance by the licensing agency.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84072.2 COMPLAINT PROCEDURES**84072.2**

- (a) The licensee of a group home shall develop, maintain and implement written complaint procedures by which children or their authorized representatives are permitted to file complaints, without fear of retaliation, with the facility administrator regarding facility staff or operations.

HANDBOOK BEGINS HERE

Children and/or their authorized representatives may file complaints with the licensing agency.

HANDBOOK ENDS HERE

- (1) Staff, children, and authorized representatives shall receive copies of such procedures, as specified in Sections 84065(o) and 84068.1(b)(4)(B).
- (2) Signed copies of such procedures shall be maintained in each child's record, as specified in Section 84070(c)(2).
- (3) Such procedures shall be posted in a location in the facility which is accessible to children and their authorized representatives.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84072.3 PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS**84072.3**

- (a) Except as specified in this section, Section 80072(a)(8) shall not apply to children with special health care needs.
- (b) A child with special health care needs has the right to be free from any restraining/postural support device imposed for purposes of discipline or convenience, and not required to treat the child's specific medical symptoms.
 - (1) Physical restraining devices may be used for the protection of a child with special health care needs during treatment and diagnostic procedures such as, but not limited to, intravenous therapy or catheterization procedures. The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the child's individualized health care plan. The child's individualized health care plan shall include all of the following:
 - (A) The specific medical symptom(s) that require use of the restraining device.
 - (B) An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices as ineffective.
 - (C) A written order by the child's physician. The order must specify the duration and circumstances under which the restraining device is to be used.
 - (2) Postural support as specified in Sections 80072(a)(8)(A) and (A)1., half-length bed rails, and protective devices as specified in Section 80072(a)(8)(G), may be used if prescribed in the individualized health care plan. The use of a postural support or protective device and the method of application shall be specified in the child's individualized health care plan and approved in writing by the child's physician.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17730, Welfare and Institutions Code.

84075 HEALTH-RELATED SERVICES**84075**

- (a) In addition to Section 80075, the following shall apply.
- (b) The licensee shall ensure that all prescribed medications are centrally stored, as provided in Section 80075(h)(3).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

84076 FOOD SERVICE**84076**

- (a) In addition to Section 80076, the following shall apply.
- (b) Written menus shall be posted weekly in an area accessible to the staff and children.
- (c) The licensee shall meet the following food supply and storage requirements:
 - (1) Supplies of staple nonperishable foods for a minimum of one week and fresh perishable foods for a minimum of two days shall be maintained on the premises.
 - (2) Freezers shall be large enough to accommodate required perishables and shall be maintained at a temperature of zero degrees F (-17.7 degrees C).
 - (3) Refrigerators shall be large enough to accommodate required perishables and shall maintain a maximum temperature of 45 degrees F (7.2 degrees C).
 - (4) Freezers and refrigerators shall be kept clean, and food storage shall permit the air circulation necessary to maintain the temperatures specified in (2) and (3) above.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84077 PERSONAL SERVICES**84077**

- (a) The licensee shall ensure the following:
 - (1) Provision of basic laundry services, including but not limited to washing, drying, and ironing of children's personal clothing.
 - (A) Children shall be permitted to participate in the performance of such services provided that the requirements specified in Section 80065(j) are met.
 - (2) Provision of an allowance to all children no less frequently than once per month except:
 - (A) If the child in placement is an infant as defined in Section 80001.

84077 PERSONAL SERVICES (Continued) 84077

- (B) If the child is unable to manage his/her own money because of age or if the authorized representative determines that the child cannot manage his/her own money.
 - (1) If the authorized representative considers the child incapable of money management, it must be specified in the needs and services plan.
- (3) Portions of a child's allowance may be withheld through a fining system as specified in Section 84026

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1501 and 1531, Health and Safety Code.

84078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION 84078

- (a) In addition to Section 80078, the following shall apply.
- (b) The licensee shall provide those services identified in each child's needs and services plan and in the individualized health care plan for each child with special health care needs as necessary to meet the child's needs.
- (c) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent(s) in placement.
 - (1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.
- (d) The licensee shall ensure each child's attendance at an educational program in accordance with state law.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 11465 and 17731, Welfare and Institutions Code and Sections 1501 and 1531, Health and Safety Code.

84079 PLANNED ACTIVITIES 84079

- (a) The licensee shall develop, maintain, and implement a written plan to ensure that indoor and outdoor activities which include but are not limited to the following are provided for all children:
 - (1) Activities that require group interaction.

84079 PLANNED ACTIVITIES (Continued)**84079**

- (2) Physical activities, including but not limited to games, sports and exercise.
 - (3) Leisure time.
 - (4) Educational activities, including attendance at an educational program in accordance with state law, and supervision of after school study as specified in Section 84078(c).
 - (5) Activities which meet the training, money management, and personal care and grooming needs identified in the children's needs and services plans, as specified in Sections 84068.2(c)(3) through (5).
- (b) Each child who is capable shall be given the opportunity to participate in the planning, preparation, conduct, cleanup, and critique of planned activities.
- (c) The licensee shall permit children to attend and participate in community activities, including but not limited to the following:
- (1) Worship services and activities of the child's choice.
 - (2) Community events, including but not limited to concerts, tours, dances, plays, and celebrations of special events.
 - (3) The YMCA, YWCA, and Boy and Girl Scouts.
- (d) In facilities with a licensed capacity of 13 or more children, a schedule of the planned activities shall be posted on at least a weekly basis in a central facility location readily accessible to children, relatives, and representatives of placement and referral agencies.
- (1) Copies of schedules shall be retained in the facility's files for at least six months.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84080**RESIDENT COUNCILS****84080**

- (a) Each facility, at the request of a majority of its residents, shall assist its residents in establishing and maintaining a resident-oriented facility council.
 - (1) The licensee shall provide space and post notice for meetings, and shall provide assistance in attending council meetings for those residents who request it.
 - (A) If residents are unable to read the posted notice because of a physical or functional disability, the licensee shall notify the residents in a manner appropriate to that disability including but not limited to verbal announcements.
 - (2) The licensee shall document notice of meetings, meeting times, and recommendations from council meetings.
 - (3) In order to permit a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any facility personnel.
 - (4) Residents shall be encouraged but shall not be compelled to attend council meetings.
- (b) The licensee shall ensure that in providing for resident councils the requirements of Section 1520.2 of the Health and Safety Code are observed.

HANDBOOK BEGINS HERE

Health and Safety Code Section 1250.2 reads in pertinent part:

The council shall be composed of residents of the facility and may include family members of residents of the facility. The council may, among other things, make recommendations to facility administrators to improve the quality of daily living in the facility and may negotiate to protect residents' rights with facility administrators.

A violation of this section shall not be subject to the provisions of Health and Safety Code Section 1540 (misdemeanors), but shall be subject to the provisions of Health and Safety Code Section 1534 (civil penalties).

This section shall not apply to facilities licensed for six (6) or fewer individuals.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1520.2, Health and Safety Code.

This page is intentionally left blank.

Article 7. PHYSICAL ENVIRONMENT**84087 BUILDINGS AND GROUNDS****84087**

- (a) In addition to Section 80087, the following shall apply.
- (b) Bedrooms shall meet, at a minimum, the following requirements:
 - (1) No more than two children shall sleep in a bedroom.
 - (2) Bedrooms shall be large enough to allow for easy passage and comfortable use of any required assistive devices, including but not limited to wheelchairs, between beds and other items of furniture.
 - (3) Children of the opposite sex shall not share a bedroom unless each child is under five years of age.
 - (4) No room commonly used for other purposes shall be used as a bedroom.
 - (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas, and sheds or similar detached buildings.
 - (5) No bedroom shall be used as a public or general passageway to another room, bath or toilet.
 - (6) Except for infants, children shall not share a bedroom with an adult.
 - (A) In bedrooms shared by adults and infants, no more than one infant and no more than two adults shall share the room.
 - (B) If two children have been sharing a bedroom and one of them turns 18 they may continue to share the bedroom as long as they remain compatible and the licensing agency has granted an exception pursuant to Section 80024.
 - (7) Private bedrooms, separate from the children's bedrooms shall be provided for staff or other adults who sleep at the facility.
 - (A) Staff bedrooms are to be located near the children's sleeping area.

84087 BUILDINGS AND GROUNDS (Continued)**84087**

- (8) Subsections (1), (2), (3), (4), (5), and (6) apply to all bedrooms used by all children in the facility including children who are members of the licensee's family, children of staff members and children in placement.
- (9) Subsections (4), (5) and (7) apply to all bedrooms used by the licensee(s), staff and any other adults in the facility.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84087.1 ADDITIONAL BUILDINGS AND GROUNDS REQUIREMENTS FOR SPECIALIZED GROUP HOMES**84087.1**

- (a) Areas in the home, including bedrooms, bathrooms, toilets, dining areas, passageways and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment needed by the child therein.
 - (1) Bedrooms occupied by children with special health care needs shall be large enough to allow the storage of each child's personal items and any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
 - (A) The bedroom shall be large enough to permit unobstructed bedside ministrations of medical procedures and medications.
- (b) Notwithstanding Section 84087(b)(1), a bedroom used by a child with special health care needs shall not be shared with another minor residing in the facility if the child's need for medical services or the child's medical condition would be incompatible with the use and enjoyment of the bedroom by each minor.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17732, Welfare and Institutions Code.

84087.2 OUTDOOR ACTIVITY SPACE**84087.2**

- (a) Children shall have access to safe outdoor activity space.
- (1) Outdoor activity space meeting the requirement of (a) above shall include but not be limited to activity centers and public parks.
 - (2) A sketch of the physical plant as required in the plan of operation pursuant to Section 80022, shall include the location(s) of outdoor activity space.
 - (3) The outdoor activity space shall not include any area made inaccessible by fencing pursuant to Section 80087(f).
 - (4) Where natural or man-made hazards such as canals, cliffs, condemned buildings, creeks, ditches, lakes, ocean fronts, mines, power lines, quarries, rivers, ravines, swamps, watercourses, and areas subject to flooding lie on or adjacent to the facility premises, the outdoor activity space shall be inaccessible to such hazards.
 - (A) Where a fence or wall is used to make the outdoor activity space inaccessible, the requirements of Section 80087(f)(1) shall be met.
- (b) As a condition of licensure, the areas around and under high climbing equipment, swings, slides and other similar equipment shall be cushioned with material which absorbs falls.
- (1) Sand, woodchips, peagravel or rubber mats commercially produced for this purpose, shall be permitted.
 - (2) The use of cushioning material other than that specified in (1) above shall be approved by the licensing agency in advance of installation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84087.3 INDOOR ACTIVITY SPACE**84087.3**

- (a) As a condition of licensure, there shall be common rooms, including a living room, dining room, den or other recreation/activity room, which provide the necessary space and/or separation to promote and facilitate the program of planned activities specified in Section 84079; and to prevent such activities from interfering with other functions.
- (1) At least one such room shall be available to children for relaxation and visitation with friends and/or relatives.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES**84088**

- (a) In addition to Section 80088, the following shall apply.
- (b) As a condition of licensure, toilet, wash basin, bath and shower fixtures shall, at a minimum, meet the following requirements.
- (1) There shall be at least one toilet and wash basin maintained for each six persons residing in the facility, including children and personnel.
- (2) There shall be at least one shower or bathtub maintained for each ten persons residing in the facility, including children and personnel.
- (3) Toilets and bathrooms shall be located so that children do not have to go out-of-doors to have access to such accommodations.
- (4) Individual privacy shall be provided in all toilet, bath, and shower areas.
- (c) The licensee shall provide and make readily available to each child the following furniture, equipment and supplies necessary for personal care and maintenance of personal hygiene:
- (1) An individual bed maintained in good repair; equipped with good springs and a clean mattress; and supplied with pillow(s) which are clean and in good repair.

84088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued) 84088

- (A) No group home shall have more beds for children's use than required for the maximum capacity approved by the licensing agency.
 - 1. This requirement shall not apply to the bed(s) made available for illness or separation of others in an isolation room or area as specified in Section 80075(b).
- (B) Fillings and covers for mattresses and pillows shall be flame retardant.
- (C) The use of cots, trundle, or bunk beds shall be prohibited.
- (2) Clean linen in good repair, including lightweight, warm blankets and bedspreads; top and bottom bed sheets; pillow cases; mattress pads; and bath towels, hand towels and wash cloths.
 - (A) The quantity of linen provided shall permit changing the linen at least once each week, or more often when indicated to ensure that clean linen is in use by children at all times.
 - (B) Use of common towels and wash cloths shall be prohibited.

HANDBOOK BEGINS HERE

- (C) Rubber or plastic sheeting or bed coverings should be provided when necessary.

HANDBOOK ENDS HERE

- (3) Items used to maintain basic personal hygiene practices, including but not limited to shampoo, feminine napkins, nonmedicated soap, toilet paper, toothbrush, toothpaste, and comb.
- (4) Portable or permanent closets and drawer space in the child's bedroom to accommodate the child's clothing and personal belongings.
 - (A) A minimum of two drawers or eight cubic feet (.2264 cubic meters) of drawer space, whichever is greater, shall be provided for each child.

84088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)**84088**

- (d) The following facilities shall maintain a signal system which meets the requirements specified in (e) and (f) below. Such system shall be used by children to summon staff during an emergency.
- (1) All facilities with a licensed capacity of 31 or more children.
 - (2) All facilities having separate floors and not providing full-time staff on each floor whenever children are present.
 - (3) All facilities having separate buildings and not providing full-time staff in each building whenever children are present.
- (e) The signal system shall have the ability to meet the following requirements:
- (1) Operation from each children's living unit.
 - (2) Transmission of a visual and/or auditory signal to a central location, or production of an auditory signal at the specific children's living unit which is loud enough to summon staff.
 - (3) Identification of the specific children's living unit from which the signal originates.

HANDBOOK BEGINS HERE

- (A) Intercoms may be used to meet the requirement for a signal system as long as all facility clients are capable of using the intercom system, and the intercom system meets all the requirements of a signal system.

HANDBOOK ENDS HERE

- (f) Facilities having more than one wing, floor or building shall be allowed to have a separate signal system in each component provided that each such system meets the requirements specified in (e) above.

84088	FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)	84088
--------------	---	--------------

- (g) The licensee shall provide and maintain the supplies, equipment and reading material necessary to implement the planned activities.
- (h) The licensee shall provide and make readily available to each child well-lighted desk or table space and necessary supplies, including reference materials, for school-related study.
- (i) Construction or other equipment, including but not limited to incinerators and air conditioning equipment, shall be made inaccessible to children.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84088.3	OUTDOOR ACTIVITY EQUIPMENT	84088.3
----------------	-----------------------------------	----------------

- (a) Outdoor activity equipment shall be securely anchored to the ground unless it is portable by design.
 - (1) Equipment shall be maintained in a safe condition free of sharp, loose or pointed parts.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

Article 9. ADMINISTRATOR CERTIFICATION TRAINING PROGRAMS**84090 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS****84090**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants seeking certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department. The request shall contain the following:
 - (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
 - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
 - (3) Written description and educational objectives for each component.
 - (4) Qualifications of each proposed instructor as specified in Section 84090(i)(6).
 - (5) Geographic areas in which the Training Program will be offered.
 - (6) Types of records to be maintained as required by Section 84090(i)(4) below.
 - (7) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
 - (8) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
 - (9) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in (7) and (8) above.
 - (10) A processing fee of one hundred-fifty dollars (\$150).
- (c) Initial Certification Training Program approval shall expire two (2) years from the date the program is approved.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department and shall contain the information and processing fee specified in Section 84090(b) above.

**84090 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****84090**

- (e) If a request for approval or renewal of an Initial Certification Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
 - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate, and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) The Initial Certification Training Program shall consist of the following components:
 - (1) A minimum of forty (40) classroom hours on a uniform Core of Knowledge with the following basic curriculum:
 - (A) Six (6) hours of instruction in laws, regulations, and policies and procedural standards that impact the operations of the type of facility for which the applicant will be an administrator.
 - (B) Four (4) hours of instruction in business operations.
 - (C) Four (4) hours of instruction in management and supervision of staff.
 - (D) Four (4) hours of instruction in the psychosocial and educational needs of the facility residents.
 - (E) Four (4) hours of instruction in the use of community and support services to meet residents' needs.
 - (F) Two (2) hours of instruction in the physical needs of facility residents.
 - (G) Six (6) hours of instruction in the administration, storage, prevention of misuse and interaction of medication used by facility residents.
 - (H) Six (6) hours of instruction on admission, retention, and assessment procedures.
 - (I) Four (4) hours of instruction on nonviolent, emergency intervention and reporting requirements.

**84090 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****84090**

HANDBOOK BEGINS HERE

(J) Reserved

(K) Core of Knowledge information will be derived from a variety of sources governing the operation of licensed group homes, including but not limited to, pertinent statutory provisions of the Health and Safety Code, Welfare and Institutions Code, Education Code, Business and Professions Code, Penal Code, and applicable provisions of Title 22 of the California Code of Regulations, Sections 80000 et seq.

HANDBOOK ENDS HERE

(2) A standardized test administered by the Department.

(A) Individuals completing an Initial Certification Training Program must pass the test with a minimum score of seventy percent (70%).

(B) The test questions shall reflect the hour value of the nine (9) Core of Knowledge areas specified in Sections 84090(h)(1)(A) through (I) above.

(i) Initial Certification Training Program vendors shall:

(1) Offer all forty (40) of the classroom hours required for certification.

(A) A minimum of ten (10) hours of instruction must be provided by an instructor(s) who meets the criteria specified in Section 84090(i)(6)(D).

(2) Establish a procedure to allow participants to make up any component necessary to complete the program.

(3) Submit to the Department within seven (7) days of determination the names of individuals who have completed forty (40) hours of classroom instruction.

(4) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for three (3) years. The records shall include the following information:

(A) Course schedules, dates and descriptions.

(B) List of instructors and documentation of qualifications of each, as specified in Section 84090(i)(6).

**84090 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****84090**

- (C) Names of registered participants and documentation of completion of the program.
- (5) Ensure that all classes are open to monitoring and inspection by Department representatives.
- (6) Have instructors who have knowledge and/or experience in the subject area to be taught and who meet the following criteria:
 - (A) Possession of a four (4) year college degree and two (2) years experience relevant to the course(s) to be taught, or
 - (B) Four (4) years experience relevant to the course to be taught, or
 - (C) Be a professional, in a related field, with a valid license to practice in California, or
 - (D) Have at least four (4) years experience in California as an administrator of a group home, within the last eight (8) years, and with a record of administering facilities in substantial compliance, as defined in Section 80001(s)(6).
- (j) Initial Certification Training Program vendors shall allow Department representatives to monitor and inspect training programs.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1522.41(c) and (h), Health and Safety Code.

**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL
CERTIFICATION TRAINING PROGRAM****84090.1**

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1522.41(h)(1) of the Health and Safety Code. The Department shall provide the applicant with a written notice of the denial.

HANDBOOK BEGINS HERE

Section 1522.41(h)(1) of the Health and Safety Code provides in part:

- (h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:

HANDBOOK CONTINUES

**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL
CERTIFICATION TRAINING PROGRAM (Continued)****84090.1**

HANDBOOK CONTINUES

- (A) The applicant has not provided the Department with evidence satisfactory to the Department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the Department pursuant to Subdivision (j).
- (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.
- (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group homes and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

HANDBOOK ENDS HERE

- (b) The applicant may appeal the denial of the application in accordance with Section 1551 of the Health and Safety Code.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3(b).

HANDBOOK BEGINS HERE

Health and Safety Code Section 1520.3(b) provides:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

HANDBOOK CONTINUES

**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL
CERTIFICATION TRAINING PROGRAM (Continued)****84090.1**

HANDBOOK CONTINUES

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3(b), 1522.41(h), and 1551, Health and Safety Code.

**84090.2 REVOCATION OF AN INITIAL CERTIFICATION
TRAINING PROGRAM****84090.2**

- (a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section 84090 or:
- (1) Is unable to provide training due to lack of staff, funds, or resources, or
 - (2) Misrepresents or makes false claims regarding the training provided, or
 - (3) Demonstrates conduct in the administration of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program, or
 - (4) Misrepresents or makes false statements in the vendor application.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code Section 1551.
- (c) Any application for approval of an Initial Certification Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3.

**84090.2 REVOCATION OF AN INITIAL CERTIFICATION
TRAINING PROGRAM (Continued)****84090.2**

HANDBOOK BEGINS HERE

Health and Safety Code Section 1520.3 in pertinent part provides:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3, 1522.41(h) and 1551 Health and Safety Code.

**84091 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS****84091**

- (a) Any vendor applicant seeking approval as a vendor of a Continuing Education Training Program shall obtain vendor approval by the Department prior to offering any course to certificate holders.
- (b) Any vendor applicant seeking approval to become a vendor of a Continuing Education Training Program shall submit a written request to the Department. The request shall contain the following:
 - (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the Program.
 - (2) A statement of whether or not the vendor applicant held or currently holds a license, certification, or other approval as a professional in a specified field and the license or certificate number.
 - (3) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
 - (4) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 84091(b)(2) and (3) above.
 - (5) A processing fee of one hundred dollars (\$100).
- (c) Continuing Education Training Program vendor approval shall expire two (2) years from the date the vendorship is approved by the Department.
- (d) A written request for renewal of the Continuing Education Training Program shall be submitted to the Department and shall contain the information and processing fee specified in Section 84091(b).
- (e) If the request for approval or renewal of a Continuing Education Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:

**84091 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS (Continued)****84091**

- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (f) If the vendor applicant does not submit the requested information above within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) Continuing Education Training Program vendors shall:
 - (1) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for three (3) years. The records shall include the following:
 - (A) Course schedules, dates and descriptions.
 - (B) List of instructors and documentation of qualifications of each, as specified in Section 84091(h)(2).
 - (C) Names of registered participants and documentation of completion of the courses.
 - (2) Have instructors who have knowledge and/or experience in the subject area to be taught and who meet at least one of the following criteria:
 - (A) Possession of a four (4) year college degree and two (2) years experience relevant to the course(s) to be taught, or
 - (B) Four (4) years experience relevant to the course to be taught, or
 - (C) Be a professional, in a related field, with a valid and current license to practice in California, or
 - (D) Have at least four (4) years experience in California as an administrator of a group home, within the last eight (8) years, and with a record of administering facilities in substantial compliance as defined in Section 80001(s)(6).
- (i) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting, except that:

84091 CONTINUING EDUCATION TRAINING PROGRAM VENDOR REQUIREMENTS (Continued) 84091

- (1) The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided that such participation is verifiable.
- (j) Any changes to courses previously approved by the Department must be submitted and approved by the Department prior to being offered.
- (k) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Programs.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1522.41(h), Health and Safety Code.

84091.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE APPROVAL REQUIREMENTS 84091.1

- (a) Any Continuing Education Training Program course shall be approved by the Department prior to being offered to certificate holders.
- (b) Any vendor seeking approval of a Continuing Education Training Program course shall submit a written request to the Department. The request shall contain the following:
 - (1) Subject title, classroom hours, scheduled dates, duration, time, location, and proposed instructor of each course.
 - (2) Written description and educational objectives for each course.
 - (3) Qualifications of each proposed instructor, as specified in Section 84091(h)(2).
 - (4) Types of records to be maintained as required by Section 84091(h)(1).
 - (5) A statement of whether or not the proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
 - (6) A statement of whether or not the proposed instructor held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
 - (7) A statement of whether or not the proposed instructor was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 84091.1(b)(5) and (6) above.

**84091.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE
APPROVAL REQUIREMENTS (Continued)****84091.1**

- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval as provided in Section 84091(c).
 - (1) To renew a course, the vendor shall submit a written request to the Department which shall contain the information specified in Section 84091.1(b).
- (d) If a request for approval or renewal of a Continuing Education Training Program course is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
 - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (e) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (f) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the course has been approved or denied.
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered.
- (h) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Courses.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1522.41(h), Health and Safety Code.

**84091.2 ADMINISTRATIVE REVIEW OF DENIAL OF A REQUEST FOR
APPROVAL OF A CONTINUING EDUCATION COURSE****84091.2**

- (a) A vendor may seek administrative review of the denial of course approval as follows:
 - (1) The vendor must request administrative review, in writing, within ten (10) days of the receipt of the Department's notice denying course approval.
 - (2) The administrative review shall be conducted by a higher-level staff person than the person who denied course approval.

84091.2 ADMINISTRATIVE REVIEW OF DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING EDUCATION COURSE (Continued) 84091.2

- (3) If the reviewer determines that the denial of course approval was not issued in accordance with applicable statutes and regulations of the Department, or that other circumstances existed, he/she shall have the authority to amend the denial of course approval.
- (4) The decision of the higher-level staff person shall be final.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1522.41(h), Health and Safety Code.

84091.3 DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING EDUCATION TRAINING PROGRAM 84091.3

- (a) The Department may deny a request for approval of a Continuing Education Training Program in accordance with Health and Safety Code Section 1522.41(h)(1). The Department shall provide the applicant with a written notice of the denial.

HANDBOOK BEGINS HERE

Section 1522.41(h)(1) of the Health and Safety Code provides in part:

- (h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:
 - (A) The applicant has not provided the Department with evidence satisfactory to the Department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations.
 - (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.
 - (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group home facilities and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

HANDBOOK ENDS HERE

- (b) The vendor applicant may appeal the denial in accordance with Health and Safety Code Section 1551.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3(b).

**84091.3 DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING
EDUCATION TRAINING PROGRAM (Continued)****84091.3**

HANDBOOK BEGINS HERE

Health and Safety Code Section 1520.3(b) provides:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3(b), 1522.41(h)(1), and 1551 Health and Safety Code.

**84091.4 REVOCATION OF A CONTINUING EDUCATION
TRAINING PROGRAM****84091.4**

- (a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections 84091 and 84091.1, or:
- (1) Is unable to provide training due to lack of staff, funds, or resources; or
 - (2) Misrepresents or make false claims regarding the training provided; or
 - (3) Demonstrates conduct in the administration of the program that is illegal, inappropriate, or inconsistent with the intent of the program; or
 - (4) Misrepresents or makes false statements in the vendor application.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code Section 1551.
- (c) Any application for approval of an Continuing Education Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3.

HANDBOOK BEGINS HERE

Health and Safety Code Section 1520.3 in pertinent part provides:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3, 1522.41(h), and 1551, Health and Safety Code.

This page is intentionally left blank.

SUBCHAPTER 1. COMMUNITY TREATMENT FACILITIES**Article 1. GENERAL REQUIREMENTS AND DEFINITIONS****84110 GENERAL****84110**

- (a) Community treatment facilities, as defined in Section 80001(c)(11), shall be governed by the provisions specified in this subchapter. In addition, community treatment facilities, except where specified otherwise, shall be governed by Title 22, Division 6, Chapter 5, Group Homes, Articles 1 through 7, and Chapter 1, General Licensing Requirements.
- (b) In addition to Section 84110(a), community treatment facilities shall be governed by the provisions specified in the California Code of Regulations, Title 9, Chapter 11, Sections 1900 through 1938.

NOTE: Authority cited: Section 1530.9, Health and Safety Code. Reference: Sections 1501, 1502, 1530, 1530.9 and 1531, Health and Safety Code; and Section 4094, Welfare and Institutions Code.

84111 DEFINITIONS**84111**

In addition to Section 84001, the following shall apply:

- (a) (1) "Advocate" means the person or persons authorized to provide advocacy services pursuant to Section 5520 et seq. of the Welfare and Institutions Code.
- (b) (Reserved)
- (c) (1) "Certified" means a community treatment facility that has been approved by the Department of Mental Health as complying with the standards established for that program.
- (2) "Child" means a person under 18 years of age who is seriously emotionally disturbed as defined in Section 5600.3 of the Welfare and Institutions Code, including those individuals 18 through 21 years of age as specified in Section 1924(b) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

- (A) Section 1924(b) of the California Code of Regulations, Title 09, Chapter 11, is contained in Handbook Section 84168.2(e).

HANDBOOK ENDS HERE

84111 **DEFINITIONS**
(Continued)**84111**

- (3) "Conservator" means a person appointed pursuant to Section 5350 of the Welfare and Institutions Code. In the event a child has a conservator and a parent(s), the conservator shall take precedence.
- (d) (Reserved)
- (e) (1) "Emergency" as defined in Section 1901(k) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

- (A) Title 9, California Code of Regulations Section 1901(k) states:

"'Emergency' means an unforeseen situation that calls for immediate action without time for full deliberation to prevent the physical injury of a child or others or extreme property damage which could result in such injury."

HANDBOOK ENDS HERE

- (f) (Reserved)
- (g) (Reserved)
- (h) (Reserved)
- (i) (1) "Interagency Placement Committee" (IPC) means a committee established by the county, with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health pursuant to Section 4096(c) of the Welfare and Institutions Code.
- (j) (Reserved)
- (k) (Reserved)
- (l) (1) "Licensed Mental Health Professional" as defined in Section 1901(p) of the California Code of Regulations, Title 9, Chapter 11.

84111 **DEFINITIONS**
(Continued)**84111**

HANDBOOK BEGINS HERE

(A) Title 9, California Code of Regulations Section 1901(p) states:

"Licensed mental health professional' means any of the following:

"(1) A psychiatrist;

"(2) A clinical psychologist;

"(3) A licensed marriage, family and child counselor;

"(4) A licensed clinical social worker;

"(5) A licensed registered nurse with a masters or doctorate degree in psychiatric nursing."

HANDBOOK ENDS HERE

(m) (1) "Mental Health Program Director" means the licensed mental health professional who has been designated by a community treatment facility licensee to oversee and implement the overall mental health treatment program.

(n) (Reserved)

(o) (Reserved)

(p) (1) "Physical Restraint" as defined in Section 1901(v) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

(A) California Code of Regulations, Title 9, Section 1901(v) states:

"Physical restraint' means physically controlling a child's behavior. Physical control includes restricting movement by positioning staff, restricting motion by holding, the application of mechanical devices and involuntary placement of a child in a seclusion room or any other room in which they are involuntarily isolated."

HANDBOOK ENDS HERE

84111	DEFINITIONS	84111
	(Continued)	

(q) (Reserved)

(r) (Reserved)

(s) (1) "Seclusion" as defined in Section 1901(dd) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

(A) California Code of Regulations, Title 9, Section 1901(dd) states:

"'Seclusion' means the involuntary confinement of a child in a room."

HANDBOOK ENDS HERE

(2) "Secure Portion of the Facility" as defined in Section 1901(ee) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

(A) California Code of Regulations, Title 9, Section 1901(ee) states:

"'Secure portion of the facility' means that part of a CTF which has entrances and exits, including windows, which are controlled with locking mechanisms that are inaccessible to the children. Any additional outside spaces and recreational areas that are attached to the facility must similarly be enclosed to preclude egress or ingress from the premises."

HANDBOOK ENDS HERE

(3) "Seriously Emotionally Disturbed" as defined in Section 5600.3(a)(2) of the Welfare and Institutions Code.

84111 DEFINITIONS
(Continued)**84111**

HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code Section 5600.3(a)(2) states:

"For the purposes of this part, 'seriously emotionally disturbed children or adolescents' means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

- "(A) As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

"(i) The child is at risk of removal from home or has already been removed from the home.

"(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

- "(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

- "(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code."

HANDBOOK ENDS HERE

(t) (Reserved)

(u) (Reserved)

(v) (Reserved)

84111	DEFINITIONS	84111
	(Continued)	

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

NOTE: Authority cited: Sections 1502, 1530, and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

Article 2. LICENSING (Reserved)**Article 3. APPLICATION PROCEDURES****84118 APPLICATION FOR LICENSE 84118**

- (a) In addition to Section 84018, with the exception of Sections 84018(b)(2) and (3), the following shall apply.
- (b) Prior to licensure each applicant shall submit to the Department evidence of a current community treatment facility mental health program certification, which shall be signed by an authorized representative of the Department of Mental Health.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501, 1520, and 1531, Health and Safety Code; and Section 4094(b), Welfare and Institution Code.

84120 FIRE CLEARANCE 84120

- (a) In addition to Section 80020, the following shall apply:
- (b) The applicant shall notify the Department if the facility plans to use the following:
 - (1) Mechanical restraint devices.
 - (2) Seclusion room(s).

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 4094.5(d), Welfare and Institutions Code.

84122 PLAN OF OPERATION 84122

- (a) In addition to Section 84022, the following shall apply.
- (b) The plan of operation shall include the following:
 - (1) A utilization review plan and program to monitor the appropriateness of a child's admission and continued stay or discharge, and to establish the basis for identifying and assessing the utilization of mental health program services and continued need for placement.

84122 PLAN OF OPERATION
(Continued)**84122**

- (A) The utilization review plan shall include a description of the procedures to be used by the facility to determine the placement, continued stay, or transfer of a child into either the secure or nonsecure portion of the facility.
- (B) These procedures shall include documentation of approval of the proposed change of a child's placement within the facility and continued stay.
- (2) A description of the array of mental health treatment services that can be made available to a child during their placement with the community treatment facility.
- (3) A listing of and copies of all agreements, contracts, or memorandums of understanding with participating private or public mental health and health providers.
- (4) A quality assurance program designed to enhance services and care through an objective assessment of the facility's overall programs to ensure the correction of identified problems.
 - (A) The quality assurance program shall include procedures for insuring the accountability of the facility's licensed mental health professional(s) and child care workers for the services and care provided to residents of the facility, and implementation of indicated changes.
- (5) The name of the proposed mental health program director and his or her professional license number(s).
- (6) A description of procedures and policies which shall include:
 - (A) Policies and procedures for the daily recording of observations and interactions with each child, psychotropic medication control, monthly review of each child's needs and services plan, and seclusion and restraint procedures.
 - (B) Procedures for ensuring a child's due process rights as specified in Section 84172(c).
 - (C) Policies and procedures for providing access to community resources to be utilized, as necessary, in the delivery of prescribed services, including medical and crisis intervention, inpatient psychiatric hospitalization, and education placements and classes.
- (7) A written plan for the orientation, continuing education, on-the-job training, supervision, and evaluation of staff as required by Section 84165(f).

Regulations	GROUP HOMES	84134
--------------------	--------------------	--------------

84122	PLAN OF OPERATION (Continued)	84122
--------------	---	--------------

- (8) A written plan for activities as specified in Sections 84079(a) through (a)(5).
- (9) A written description of the facility's security features and procedures.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 1919, Title 9, Chapter 11, Article 5, California Code of Regulations.

84128	CAPACITY DETERMINATION	84128
--------------	-------------------------------	--------------

- (a) In addition to Section 80028, the following shall apply.
- (b) A license for a community treatment facility shall not exceed the Department of Mental Health's certification of specified number of beds.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 4094.7(b), Welfare and Institutions Code; and Section 1531, Health and Safety Code.

84134	SUBMISSION OF NEW APPLICATION	84134
--------------	--------------------------------------	--------------

- (a) In addition to Section 80034, the following shall apply.
- (b) The Department may only approve capacity increases that have been approved by the Department of Mental Health.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 1531, Health and Safety Code; and Section 4094.7(b), Welfare and Institutions Code.

This page is intentionally left blank.

Article 4. ADMINISTRATIVE ACTIONS**84140 DENIAL OF LICENSE****84140**

- (a) In addition to Section 80040, the following shall apply.
- (b) An application shall be denied if it is determined that the applicant has not been certified by the Department of Mental Health as specified in Section 84118(b).
 - (1) A single proceeding to hear an appeal for denial of an application will be held jointly with the Department of Mental Health and conducted by the Department.

NOTE: Authority cited: Section 1530 and 1530.9, Health and Safety Code. Reference: Sections 1520 and 1525, Health and Safety Code; and Section 4094(b), Welfare and Institutions Code.

84142 REVOCATION OR SUSPENSION OF LICENSE**84142**

- (a) In addition to Section 80042, the following shall apply.
- (b) The Department shall suspend or revoke the license of a community treatment facility upon written notification from the Department of Mental Health that the facility's certification has been revoked or suspended.
 - (1) A single proceeding to hear a revocation or a temporary suspension action will be held jointly with the Department of Mental Health and conducted by the Department.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 4094(b) and (c), Welfare and Institutions Code.

84145 EVALUATION VISITS**84145**

- (a) The Department shall notify the Department of Mental Health when there is reasonable cause to believe that a community treatment facility is not in compliance with program standards as specified in the California Code of Regulations, Title 9, Chapter 11, Articles 5 and 6.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 4094(c)(4), Welfare and Institutions Code.

This page is intentionally left blank.
